IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 25277 of 2007(H)

PETITIONERS:
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1. SUBHASH P.R., AGED 43, S/O.RAMAN,
PARAMBIKATTIL HOUSE, VIJAYARAGHVAPURAM P.O.,
PERAMBRA VILLAGE, THRISSUR DISTRICT.

2. K.I.CHANDRAN, S/O.IKKORAN,
KAYYUPARAMBIL HOUSE, KOODAPUZHA DESOM,
CHALAKUDY, THRISSUR DISTRICT.

3. JESTIN, S/O.VARGHESE, VELIYATH HOUSE,
POTTA P.O., THRISSUR DISTRICT.

4. JOY K.P., S/O.POULOSE, S/O.POULOSE,
KOMPARAKARAN HOUSE, ELINJIPARA P.O.,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS:
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1. THE STATE OF KERALA, REP. BY THE
SECRETARY TO THE GOVERNMENT, DEPARTMENT OF
WATER RESOURCES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUPERINTENDING ENGINEER,
EDAMALAYAR IRRIGATION PROJECT,
PROJECT CIRCLE, PIRAVOM, ERNAKULAM
DISTRICT.

3. THE EXECUTIVE ENGINEER,
EDAMALAYAR IRRIGATION PROJECT,
CHALAKUDY, THRISSUR DISTRICT.

4. THE DIRECTOR OF VIGILANCE AND
ANTI-CORRUPTION BUREAU, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE JUDGMENT IN W.A. NO.701/2007 DATED 4.6.2007 OF THIS HON'BLE COURT

EXHIBIT-P2: TRUE COPY OF THE DETAILS OF THE WORKS DONE BY THE PETITIONERS

/TRUE COPY/

ANTONY DOMINIC,J.

W.P (C) No. 25277 of 2007

Dated this the 27th day of September, 2007

J U D G M E N T

Petitioners are Contractors who claim that substantial amounts are due from the respondents. According to them amounts due are not disbursed. According to them this was on account of the pendency of some enquiry into the matter. Petitioner has rightly pointed out that the Division Bench of this Court in W.A. No.701/2007, wherein, similarly situated circumstances, had directed that the balance amount payable shall be released on furnishing a Bank guarantee to the satisfaction of the respondents which will be kept alive. On referring to the said judgment, petitioner seeks a similar order in this case also. Since the facts of this case and the case disposed of by the Division Bench are identical, in my view the petitioner is entitled to similar reliefs.

2. Accordingly I dispose of this writ petition directing that the respondents shall release the balance amount due to the petitioner, within one month from today on the petitioner furnishing a bank guarantee for an equal amount, which will be kept alive for a period of two years. However, I clarify that it will

be open to either of the parties to apply to this Court, if the Bank guarantee is to be kept alive for any further period.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007